

REMARKS

The Office Action dated August 21, 2008 has been reviewed and carefully considered. Claims 1-21 remain pending with claims 1, 11 and 21 being the only independent claims. Claims 1, 11 and 21 have been amended to more clearly define the scope of the invention. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1-3 and 7-13 and 17-21 stand rejected under 35 USC 102(e) as being anticipated by Goto et al., U.S. Patent No. 7,218,837 (Hereinafter "Goto"). Claims 4, 6, 14 and 16 stand rejected under 35 USC 103(a) as being obvious over Goto in view of Plourde, Jr. et al., U.S. Patent No. 7,218,839. Claims 5 and 15 stand rejected under 35 USC 103(a) as being obvious over Goto in view of Needham et al., U.S. Patent Application Publication 2003/0177495. Applicants respectfully disagree.

The present invention relates generally to personal video recording devices, and more particularly, to a personal recording device that generates a graphical representation of programs being stored. Moreover, this graphical representation depicts program sections defined by markers. As amended, claim 1 recites:

1. (Currently amended) A method of displaying a video signal, comprising the steps of:  
retrieving the video signal;

generating a graphical display including a bar extending in a predetermined direction and divided into at least two program sections, the sections defined by markers, wherein at least one of the markers is capable of indicating when a user changes a channel prior to conclusion of a program; inserting the graphical display into the video signal; and outputting the video signal.

As noted above, the markers are capable of indicating channel changes by a user that occur prior to conclusion of a program. Support for this feature is found, *inter alia*, in paragraphs [0036] and [0037] of the application as published. The latter paragraph recites several alternative rules for when the markers are inserted during such changes. One such rule, that the user stay on the new channel for a minimum amount of time before a marker is set, forms support for the feature of amended claim 2 that the defined segment may be less than 120 seconds.

Goto fails to teach incorporating marking of program segments resulting from "channel surfing" by a user. The Office Action points to Col. 28 line 47 - Col. 29 line 14 and Fig. 8 as teaching the marker feature (with respect to original claims 2 and 3). These sections merely show a time line in which programs are depicted on a time bar as commencing at uniform time segments: "Recipe" at 11:30 and "News" at 12:00. Moreover, many features of Goto require such defined time slots. By way of example, and as contained in the section of Goto cited by the Office Action:

With reference to FIG. 8, the present time is between 1200 hours and 1230 hours (between 12:00 and 12:30). In the case where a head-retrieval command signal is

inputted once via the key input unit 112 during the cache-ON recording mode of operation of the apparatus, one is selected from the predetermined time points which immediately precedes the present time. Since the present time is between 1200 hours and 1230 hours, the selected predetermined time point is 1200 hours (12:30). The portion of the cached program signal which temporally follows 1200 hours starts to be played back. Thus, the cached program portion related to news starts to be played back from its head. When a head-retrieval command signal is inputted twice in quick succession, one is selected from the predetermined time points which second immediately precedes the present time. The selected predetermined time point is 1130 hours. The portion of the cached program signal which temporally follows 1130 hours starts to be played back. Thus, the cached program portion related to a recipe starts to be played back from its head.

Such features of Goto require such defined time slots and accordingly; applicants submit that Goto teaches away from displaying program segments defined by markers which correspond to channel changes that occur in the middle of a program – as recited in claim 1.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Goto cannot be said to anticipate the present invention, because Goto fails to disclose each and every element recited. As shown, Goto fails to disclose the limitations of “generating a graphical display including a bar extending in a predetermined direction and divided into at least two program sections, the sections defined by markers, wherein at least one of the markers is capable of indicating when a user changes a channel prior to conclusion of a program”; as is

recited in claim 1. Claim 11 and claim 21 also contains this segment marker feature and are deemed patentable over Goto for at least the same reasons.

Having shown that Goto fails to disclose each and every element claimed, applicant submits that claims 1, 11 and 21 are allowable over Goto. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1, 11 and 21.

With regard to claims 2-10 and 12-20, these claims ultimately depend from one of the independent claims, which have been shown to be not anticipated and allowable in view of the cited references. Accordingly, claims 2-10 and 12-20 are also allowable by virtue of their dependence from an allowable base claim. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

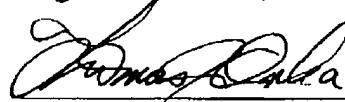
In particular, claims 2 and 12 recite that the program sections may be less than 120 seconds. Nothing in Goto teaches or even suggests that program sections can be of such a short duration. Further claims 7 and 17 recite the use of color coding to indicate that no signal is available at the time of recording. Support for this feature is found in the specification, *inter alia*, at paragraph [0047] of the published application. The Office Actions rejection of claims 7 and 17 points to using color to indicate the absence of further recorded material in the cache at the time of playback. Clearly, a cache not being completely full is distinguishable from the claimed invention wherein the absence of a

video signal (e.g. due to some transmission malfunction) results in a "blank" program being recorded (most likely in the middle of the cache material).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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